

Message Text

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SUBJECT: 34TH HUMAN RIGHTS COMMISSION: AGENDA ITEM 11:

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND
FUNDAMENTAL FREEDOMS

1. FOLLOWING IS A ROUGH DRAFT OF A STATEMENT FOR DELIVERY
UNDER AGENDA ITEM 11, FURTHER PROMOTON AND ENCOURAGEMENT
OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS. WE WILL
CONTINUE TO REVISE THIS DRAFT BUT WOULD APPRECIATE
DEPARTMENT COMMENT ON THE SPECIFIC POINTS MADE, I.E.
UP-GRADING THE HUMAN RIGHTS DIVISION, INCREASED BUDGETARY
RESOURCES, SUPPORT FOR JORDANIAN PROPOSAL FOR TWO
ANNUAL SESSIONS OF THE HUMAN RIGHTS COMMISSION, SUPPORT
FOR NATIONAL HUMAN RIGHTS MACHINERY, AND SUPPORT FOR
AN INTER-SESSIONAL ROLE FOR THE HRC BUREAU.

2. BEGIN TEXT: MR. CHAIRMAN, THE DELEGATION FROM THE
UNITED STATES HAS ASKED FOR THE PRIVILEGE OF MAKING A
STATEMENT ON ITEM 11, "FURTHER PROMOTION AND ENCOURAGE-
MENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING
THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE
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COMMISSION," BECAUSE WE ARE CONVINCED OF THE CRITICAL
IMPORTANCE OF WHAT WE DO THIS YEAR AT THIS, THE 34TH
SESSION, OF THE HUMAN RIGHTS COMMISSION. WE HAVE ALREADY
STATED THAT IN OUR OPINION THE HUMAN RIGHTS COMMISSION,
AND THE WHOLE HUMAN RIGHTS APPARATUS OF THE UNITED
NATIONS, IS ON TRIAL THIS YEAR BEFORE THE COURT OF WORLD
PUBLIC OPINION. WE NEED NOT BE ANXIOUS OR RESENTFUL

ABOUT THIS, FOR TWO REASONS: FIRST, BECAUSE THE INTEREST IN OUR WORK, AND THE HIGH EXPECTATIONS TO WHICH WE ARE SUBJECTED, ARE A CAUSE OF HOPE FOR US BECAUSE THEY SHOW THAT THE POTENTIAL POLITICAL WILL TO DO SOMETHING IS AVAILABLE, IF WE CAN BUT RESPOND TO THESE EXPECTATIONS. AND, SECONDLY, BECAUSE THE COURT OF THE COMMON PEOPLE OF THE WORLD IS NOT AN UNREASONABLE COURT, EXPECTING OF US INSTANT MIRACLES. INSTEAD, WE ARE ON TRIAL TO PRODUCE SOME PROGRESS, SOME REAL PROGRESS, SOME SIGNS THAT THINGS ARE MOVING IN THE RIGHT DIRECTION. IF WE CONTINUE THE TREND AND THE TIDE THAT HAS BEEN BUILDING THE PAST FEW YEARS, THE PEOPLE OF THE WORLD WILL RESPOND WITH MORE EXPECTATIONS, BUT ALSO WITH MORE SUPPORT.

FOR THIS REASON, WE ARE PLACING HIGH HOPES ON THE WORKING GROUP, MR. CHAIRMAN, AND WE HOPE THAT THEY PRODUCE A PACKAGE PROPOSAL THAT WILL BE ACCEPTABLE TO NEARLY ALL IF NOT ALL THE REPRESENTATIVES HERE. FOR MY DELEGATION, LET ME STATE THAT THOUGH WE HAVE HIGH EXPECTATIONS, WE ARE FLEXIBLE IN HOW THEY ARE MET. WE ARE NOT FIRMLY COMMITTED TO ANY ONE FORMULA OR SOLUTION, AND WE ARE WILLING -- MORE THAN WILLING -- TO HEAR OTHER IDEAS THAN THE ONES WE ADVANCE AND ADVOCATE. LET ME URGE ALL THE DELEGATIONS HERE PRESENT TO DEVELOP THEIR OWN IDEAS, MAKE THEM PART OF THE PUBLIC DISCUSSION, TO ENRICH AND ENLIVEN OUR DEBATE. IT IS NOT SUFFICIENT TO SIT BACK AND LIMITED OFFICIAL USE

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CRITICIZE THE IDEAS OF OTHERS -- ALL OF US MUST DO OUR PART TO PRODUCE THE MIX OF MANY IDEAS OUT OF WHICH WILL EMERGE THE NEW AND CREATIVE CONSENSUS ABOUT WHAT CAN BE DONE ON THIS ITEM. OUR TASK IS NOT TO INDULGE IN STERILE DEBATES WITH ONE ANOTHER, NOR TO PRESENT AND DEFEND AT ALL COSTS OUR PET PROJECTS, BUT TO CIRCULATE IDEAS, TEST IDEAS, CRITICIZE IDEAS -- INCLUDING OUR OWN, UNTIL WE DISCOVER IN THE PROCESS THE BEST IDEA. THE TASK OF DIPLOMACY IS TO BUILD DIALOGUE, NOT CONFRONTATION.

SO THE IDEAS THAT MY DELEGATION PRESENTS WILL NEVER BE PRESENTED AS DEMANDS, OR AS PROPOSALS THAT DO NOT CALL FOR CRITICISM AND AMENDMENT. WE BELIEVE IN THE DEMOCRATIC PROCESS OF TRIAL AND ERROR, WE BELIEVE THAT ALL IDEAS SHOULD BE SUBJECT TO CRITICISM AND AMENDMENT -- INCLUDING OUR OWN.

WE CONSIDER A VARIETY OF TOPICS UNDER THIS ITEM, AND IT IS THEREFORE LOGICAL THAT WE MAY EXPECT TO PRODUCE A VARIETY OF RESOLUTIONS -- MOST OF WHICH WILL NOT BE COMPETITIVE OF ONE ANOTHER, BUT COMPLEMENTARY. WE EXPECT TO HAVE NO ONE RESOLUTION COMING OUT OF ITEM 11, BUT WE

HOPE FOUR OR FIVE, THAT MEET VARIOUS PROBLEMS BEFORE US.
MY DELEGATION BELIEVES THAT THIS DISCUSSION OF FURTHER
PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IS WELL TIMED IN THAT IT COINCIDES WITH
CURRENT RESTRUCTURING OF THE WORK OF THE ECONOMIC AND
SOCIAL COUNCIL IN WHICH WE ARE EXAMINING BOTH OUR
PRIORITIES AND GOALS AND THE MACHINERY WITH WHICH WE CARRY
OUT THESE GOALS.

THE ENTRY INTO EFFECT OF THE COVENANTS ON CIVIL AND
POLITICAL AND ECONOMIC, AND SOCIAL AND CULTURAL RIGHTS
HAS HELPED TO INCREASE INTERNATIONAL FOCUS ON ALL HUMAN

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RIGHTS ISSUES. THE PRESENT DIALOGUE ON THESE TWO SETS OF
RIGHTS, HAS IN OUR VIEW LED TO UNFORTUNATE FRUITLESS
EFFORTS TO ASSIGN PRIORITY TO ONE SET OF RIGHTS OR THE
OTHER. IT IS TRUE THAT THERE ARE TWO COVENANTS, BUT THESE
ARE SIMPLY THE RESULT OF A DECISION BY THE DRAFTERS WHICH
WAS NOT MEANT TO DRAW BATTLE LINES BETWEEN TWO OPPOSING
RIGHTS.

THE INCREASED CONCERN FOR BASIC HUMAN NEEDS AND FULFILLMENT OF MATERIAL NEEDS AS WELL AS ATTAINMENT OF INTELLECTUAL FREEDOM DOES NOT JUSTIFY THE CONCLUSION THAT THERE
HAS BEEN AN EVOLUTION OR RE-EVALUATION OF HUMAN RIGHTS
PRIORITIES. WE HAVE ADDED TO OUR LIST OF PRIORITIES
BUT WE HAVE NOT REDUCED OR DIMINISHED OUR CONCERN FOR
INDIVIDUAL CIVIL AND POLITICAL RIGHTS. ONE ESSENTIAL
DIFFERENCE BETWEEN THESE VARIOUS RIGHTS AND GOALS IS

THE DEGREE TO WHICH THEY CAN BE EXERCISED IMMEDIATELY OR REQUIRE CONCERTED EFFORT TO ACHIEVE. CIVIL AND POLITICAL RIGHTS ARE NOT THE GIFT OF THE STATE TO BE OFFERED OR TAKEN AWAY AT WILL. FREEDOM OF EXPRESSION REQUIRES NO INVESTMENT OF NATURAL RESOURCES, NO CAPITAL INVESTMENT, NO FIVE YEAR DEVELOPMENT PLAN. THEY ARE LIMITED OFFICIAL USE

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INALIENABLE RIGHTS OF THE INDIVIDUAL WHICH ARE NOT ALTERED WHEN THE STATE IS CREATED AND WHICH CANNOT BE INFRINGED UPON BY THE NATION STATE. THE ATTAINMENT OF CERTAIN MATERIAL STANDARDS SUCH AS ADEQUATE FOOD, CLOTHING AND SHELTER, ACCESS TO EDUCATION ARE HUMAN RIGHTS BUT THEY ARE ALSO GOALS AND CONDITIONS WHICH CANNOT BE ACHIEVED BY A SIMPLE DECREE OR ACT OF WILL. THESE ARE CONDITIONS WHICH ARE ACHIEVED BY COMMON EFFORT, BY TRIAL AND ERROR, BY A CONSTANT RE-ORDERING OF PRIORITIES AND ALLOCATION OF AVAILABLE RESOURCES.

THE RESTRUCTURING OF THE ECONOMIC AND SOCIAL SECTORS OF THE UN, INCLUDING THE APPOINTMENT OF A DIRECTOR GENERAL FOR ECONOMIC AND SOCIAL DEVELOPMENT GIVES HOPE THAT THE UN WILL MAKE A MORE EFFECTIVE CONTRIBUTION TO THE REALIZATION OF ECONOMIC AND SOCIAL RIGHTS AND FULFILLMENT OF THE BASIC HUMAN NEEDS ON A UNIVERSAL BASIS. AT THE SAME TIME THE RESTRUCTURING OF THE HUMAN RIGHTS SECTOR OF THE UN IS AN INTEGRAL PART OF THE QUEST FOR ECONOMIC AND SOCIAL EQUALITY. THE QUEST OF ALL RIGHTS MUST PROCEED SIMULTANEOUSLY AND BE SEEN AS A WHOLE FABRIC. WE HAVE NO NEED TO ASSIGN A RANK ORDER TO EACH RIGHT, BUT MUST SEEK TO ACHIEVE ALL OF THEM AT THE SAME TIME.

WITH RESPECT TO SPECIFIC SUGGESTIONS FOR IMPROVEMENT OF MACHINERY, THE UNITED STATES SUPPORTS EFFORTS AT ALL LEVELS, NATIONAL, REGIONAL, AND INTERNATIONAL TO INCREASED FOCUS TO HUMAN RIGHTS ISSUES.

AT THE INTERNATIONAL LEVEL, WE CONTINUE TO SUPPORT STRONGLY THE CREATION OF THE POST OF HIGH COMMISSIONER FOR HUMAN RIGHTS. THE EVENTUAL CREATION OF SUCH A POST IS IN OUR VIEW A NATURAL PROGRESSION AS THE WORLD LIMITED OFFICIAL USE

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COMMUNITY FOCUSES INCREASED ATTENTION TO THE WELFARE, WORTH AND DIGNITY OF EACH INDIVIDUAL ON THIS PLANET. THE PERCEPTION OF THE FUNCTIONS AND MANDATE OF THIS OFFICE

HAS VARIED DURING THE MANY YEARS IN WHICH THIS POST HAS BEEN UNDER DISCUSSION. MANY CRITICS OF THE POST FEAR THAT THE HIGH COMMISSIONER'S MANDATE HAS BEEN TOO VAGUELY DEFINED OR THAT HE WOULD BE A POLITICAL TOOL IN THE HANDS OF A FEW COUNTRIES. THE IMPORTANT FUNCTIONS OF GOOD OFFICES AND COORDINATION WERE SPELLED OUT IN THE RESOLUTION WHICH WAS UNDER CONSIDERATION AT THE 32ND GENERAL ASSEMBLY. HOWEVER, IN VIEW OF THE DOUBTS AND UNCERTAINTY EXPRESSED DURING THE DEBATE IN THE GENERAL ASSEMBLY, WE BELIEVE THAT THE CRITICS OF THE POST OF HIGH COMMISSIONER SHOULD TAKE THE OPPORTUNITY AT THIS SESSION OF THE HUMAN RIGHTS COMMISSION TO OFFER SUGGESTIONS FOR FURTHER IMPROVING AND CLARIFYING THE MANDATE OF THE HIGH COMMISSIONER. CONTRARY TO SOME ARGUMENTS, THE MANDATE AS CURRENTLY DESCRIBED MAKES CLEAR THAT THE HIGH COMMISSIONER IS NOT AN INDEPENDENT INVESTIGATOR OR PROSECUTING ATTORNEY.

IN ADDITION TO THE POST OF HIGH COMMISSIONER, WE BELIEVE THAT THE HUMAN RIGHTS DIVISION SHOULD BE UP-GRADED AND THAT INCREASED BUDGETARY RESOURCES SHOULD BE ALLOCATED TO THIS SECTOR.

THE UNITED STATES HAS PREVIOUSLY STATED ITS SUPPORT FOR MORE FREQUENT ANNUAL SESSIONS AND FOR SPECIAL SESSIONS AS REQUIRED OF THE HUMAN RIGHTS COMMISSION. WE THEREFORE WELCOME THE PROPOSAL SUBMITTED BY THE DELEGATION OF JORDAN AND BELIEVE THAT IT SHOULD RECEIVE CAREFUL ATTENTION AT THIS SESSION. WE ALSO BELIEVE THAT THOUGHT SHOULD BE GIVEN TO MAKING INCREASED USE OF THE TALENT AND EXPERIENCE OF THE MEMBERS OF THE BUREAU. WE BELIEVE THE MEMBERS OF

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THE BUREAU COULD PERFORM USEFUL INTER-SESSIONAL ROLES AND COULD BE CALLED UPON BY THE SECRETARY GENERAL TO ASSIST IN GOOD OFFICES. THE BUREAU OF THE HUMAN RIGHTS COMMISSION MIGHT ALSO BE USED AS A LINK BETWEEN THE UN HUMAN RIGHTS STRUCTURE AND THE WORK OF THE REGIONAL COMMISSIONS. IT MIGHT BE PROFITABLE TO SEEK TO HAVE MEMBERS OF THE BUREAU INVITED TO MEETINGS OF THE REGIONAL COMMISSIONS AND TO HAVE THEM REPORT BACK TO THE HUMAN RIGHTS COMMISSION ON THEIR EXPERIENCES AND IMPRESSIONS. WE CAN ONLY PROFIT FROM INCREASED INTERCHANGE OF IDEAS AND APPROACHES.

(SUBTITLE) MACHINERY FOR INQUIRY INTO SITUATIONS IN INDIVIDUAL COUNTRIES.

IN THE PAST THIRTY YEARS, THE UN HAS DEVISED SEVERAL MEANS, NONE OF THEM TOTALLY SATISFACTORY, FOR INQUIRING OR ATTEMPTING TO INQUIRE INTO VIOLATIONS OF RIGHTS IN SPECIFIC COUNTRIES. THE UN HAS SET UP SPECIAL COMMITTEES OF THE GENERAL ASSEMBLY, ESTABLISHED AD HOC WORKING GROUPS, APPOINTED SPECIAL RAPORTEURS, AMONG OTHER MEANS FOR INVESTIGATING ALLEGATIONS OF VIOLATIONS IN INDIVIDUAL

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COUNTRIES. MORE RECENTLY, THE ECONOMIC AND SOCIAL COUNCIL ESTABLISHED THE 1503 PROCEDURES IN AN ATTEMPT TO TAKE EFFECTIVE ACTION ON THE THOUSANDS OF COMMUNICATIONS RECEIVED EACH YEAR FROM PRIVATE INDIVIDUALS AND ORGANIZATIONS AND PERTAINING TO HUMAN RIGHTS VIOLATIONS IN SCORES OF COUNTRIES.

THE 1503 PROCEDURES ARE STILL AT AN EARLY STAGE OF DEVELOPMENT BUT WE BELIEVE THAT THEY CONSTITUTE THE MOST EVEN-HANDED METHOD FOR INVESTIGATION YET DEVISED. THE 1503 PROCEDURES, ARE NOT HOWEVER, THE ONLY MEANS FOR DEVELOPING A CASE PERTAINING TO HUMAN RIGHTS VIOLATIONS IN A SPECIFIC COUNTRY. IT IS ESSENTIAL TO RECALL THAT THESE PROCEDURES WERE DEVISED AS A MEANS OF AUGMENTING THE INFORMATION AVAILABLE TO THE COMMISSION AND THE 1503 PROCEDURES ARE A MEANS OF DEALING WITH COMMUNICATIONS. THERE ARE MANY OTHER SOURCES OF INFORMATION IN ADDITION TO THE COMMUNICATIONS RECEIVED BY THE UN. AND NONE OF THE THREE SITUATIONS WHICH ARE CURRENTLY THE OBJECT OF THE MAJORITY OF THE COMMISSION'S ATTENTION WERE BASED ON COMMUNICATIONS. WE STRONGLY BELIEVE THAT BOTH THE PUBLIC METHOD OF INQUIRY AND THE PRIVATE 1503 PROCEDURES MUST CONTINUE TO OPERATE SIDE BY SIDE AS THEY BOTH CONTRIBUTE

TO THE EFFECTIVE MONITORING OF HUMAN RIGHTS VIOLATIONS.

WE HAVE BEEN INTRIGUED TO HEAR DURING THE COURSE OF THE DEBATE THAT SOME DELEGATIONS CHOOSE TO ARGUE THAT IN SOME CASES AN INVESTIGATION OF VIOLATIONS IN A COUNTRY CONSTITUTES INTERFERENCE INTO INTERNAL AFFAIRS AND IN OTHER CASES IT DOES NOT. WE HAVE NOT HEARD ANY EXPLANATION OF THE CRITERIA WHICH ARE USED TO DECIDE THAT AN INQUIRY INTO THE SITUATION OF HUMAN RIGHTS IN CHILE SHOULD BE CONSIDERED NON-INTERFERENCE IN INTERNAL LIMITED OFFICIAL USE

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AFFAIRS AND AN INQUIRY INTO THE SITUATION IN, FOR EXAMPLE THE SOVIET UNION, WOULD BE CONSIDERED INTERFERENCE.

IN OUR VIEW, NO MEMBER OF THE UNITED NATIONS SHOULD CONSIDER ITSELF EXEMPT FROM SCRUTINY OF ITS HUMAN RIGHTS RECORD. NO NATION CAN EXPECT TO SIT IN JUDGEMENT ON ANOTHER AND THEN ARGUE THAT ITS OWN CASE MAY NOT BE EXAMINED. WE ARE AMAZED AT THE HYPOCRISY OF THOSE WHO CO-SPONSOR RESOLUTIONS CONDEMNING CERTAIN COUNTRIES AND THEN SEEK PROTECTION FROM THE PROVISIONS OF THE CHARTER WHEN THEY ARE MENTIONED.

IF WE ARE TO CONTINUE IN THE UN TO ALLOW EXAMINATION AND DISCUSSIONS OF ANY SPECIFIC COUNTRY, THEN WE MUST ACCEPT THAT WE ARE ALL EQUALLY VULNERBLE AND ANSWERABLE. END TEXT. VANDEN HEUVEL

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